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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,211	04/20/2004	Chung-Ting Tseng		2915

7590 10/16/2006

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EXAMINER

SIMONE, TIMOTHY F

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/827,211	TSENG, CHUNG-TING	
	Examiner	Art Unit	
	Timothy F. Simone	1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lee (US 6,354,193). Lee clearly discloses a frying pan (30) having a handle (301) a metal rack located on a top surface of the pan including a plurality of rollers (31) having a first gear (44) located on a first end thereof, a selected roller of the plurality of rollers having a roller shaft (45), a plurality of second gears (42) located between each set of two adjacent first gears (44), and a turning mechanism (41) directly connected to the roller shaft of the selected roller and controlling the rotation of the plurality of rollers. Thus, the features of the instantly rejected claims are structurally met by the reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 6,354,193) in view of either one of Lang (US 1,973,817) or Costa (US 5,117,748). Lee clearly discloses a frying pan (30) having a handle (301) a metal rack


located on a top surface of the pan including a plurality of rollers (31) having a first gear (44) located on a first end thereof, a selected roller of the plurality of rollers having a roller shaft (45), a plurality of second gears (42) located between each set of two adjacent first gears (44), and a turning mechanism (41) directly connected to the roller shaft of the selected roller and controlling the rotation of the plurality of rollers. The patents to Lang and Costa teach an elongated handle (26,20), respectively and having a surface for removably contacting a separate heat source. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted into Lee an elongated handle and a surface configured for removably contacting a separate heat source in the manner suggested by either one of Lang or Costa in order for ease of portability, if so desired.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 6,354,193) in view of Hoffert (US 3,331,308) and Golinger (US 2,708,871). The patent to Lee discloses the claimed subject matter except for the turning mechanism being a crank. The patent to Hoffert discloses that it is known in the art to have a crank or hand turning mechanism (21) for turning rollers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted into Lee a hand turning mechanism or crank in the manner suggested by Hoffert in order to turn the rollers by hand, if desired. It would have been further obvious to one having ordinary skill in the art at the time the invention was made to have substituted into Lee a single turning mechanism or crank (30) in the manner suggested by Golinger in order to turn the rollers by hand, if desired.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy F. Simone whose telephone number is 571-272-1407. The examiner can normally be reached on weekdays between 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 521-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Timothy F. Simone
Primary Examiner
Art Unit 1761